IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CRIMINAL DOCKET NO. 5:05CR257-1-RLV

UNITED STATES OF AMERICA, Plaintiff,)
vs.) <u>SCHEDULING ORDER</u>
TREMAYNE KENDRICK BLACKWEL	.L,)
Defendant.	}

THIS MATTER is before the Court on the Court's Order, filed on June 25, 2015¹, ordering this matter for resentencing.

IT IS, THEREFORE, ORDERED that:

The Bureau of Prisons and the United States Marshals Service is hereby

ORDERED to transport and produce the body of TREMAYNE KENDRICK BLACKWELL

(USM# 20662-058), for re-sentencing on November 30, 2015, before the Honorable

Richard L. Voorhees, in the Western District of North Carolina, Statesville Courthouse,

200 West Broad Street, 2nd Floor Courtroom, Statesville, North Carolina, not later than

November 16, 2015, and upon completion of the re-sentencing hearing, Defendant is to

be returned to the custody of the Bureau of Prisons.

The Clerk is directed to certify copies of this Order to the United States Attorney,

Defendant's Counsel, the United States Marshal Service, and the United States

Probation Office.

IT IS SO ORDERED.

Signed: October 14, 2015

Richard L. Voorhees United States District Judge

¹ The Court granted the Defendant's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. The Court agrees that in light of <u>United States v. Simmons</u>, 649 F.3d 237 (4th Cir. 2011), Petitioner does not qualify for a mandatory term of life imprisonment because he has only one predicate conviction and he is therefore entitled to collateral relief from his sentence.